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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,036	11/20/2001	Richard Falk	EFIM0289	3634

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LAW OFFICE OF JAMES TROSINO
92 NATOMA STREET, SUITE 211
SAN FRANCISCO, CA 94105

EXAMINER

THOMPSON, JAMES A

ART UNIT	PAPER NUMBER
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2625

DATE MAILED: 05/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/991,036

Applicant(s)

FALK, RICHARD

Examiner

James A. Thompson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 7-14, 16-19, 23-26, 30-37 and 39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7-14, 16-19, 23-26, 30-37 and 39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 22 March 2006 has been entered.

Response to Arguments

2. Applicant's arguments filed 22 March 2006 have been fully considered but they are not persuasive.

Applicant argues that the previously applied prior art references do not teach anything with regard to the claimed invention.

Examiner replies that this is clearly an erroneous statement, as evidenced by the previous office action mailed 10 January 2006. Since the present amendments to the claims have not cancelled all previous claims, and Applicant does not dispute the rejections set forth in said previous office action, clearly limitations of the presently recited invention are taught by the previously applied prior art references.

Applicant argues that the previously applied prior art does not teach anything regarding PostScript® patterns.

Examiner replies that, while the specific embodiment set forth in Bloomquist (US Patent 6,295,133 B1) that was relied upon in said previous office action does not specifically teach

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PostScript® patterns, PostScript® patterns are taught in the background of Bloomquist as a typical Page Description Language format from which output is derived (column 1, lines 63-66 of Bloomquist). Furthermore, Gass (US Patent 5,822,503) also teaches Postscript® patterns, particularly Encapsulated Postscript® patterns. In fact, PostScript® patterns are well-known and expected in the art. The PostScript® PDL is simply one of many proprietary types of PDL. Finally, reciting that an image is painted as a PostScript® pattern also produces an inherent indefiniteness in the claim language. PostScript® is a commercial and proprietary format that is updated from time to time. Although particularly released versions of PostScript® may be well-defined, though not necessarily, PostScript® itself is not a clearly and particularly defined PDL. At the time of filing of the present application, there were already several distinct versions of the PostScript® PDL, and there have been many further developed versions of PostScript® since.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-3, 7-14, 16-19, 23-26, 30-37 and 39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 8, 10, 14, 17, 24, 31, 33 and 37 each specifically recite "a Postscript pattern". However, PostScript® is a commercial and proprietary format that is

updated from time to time. Although particularly released versions of PostScript® may be well-defined, though not necessarily, PostScript® itself is not a clearly and particularly defined PDL. At the time of filing of the present application, there were already several distinct versions of the PostScript® PDL, and there have been many further developed versions of PostScript® since. Thus, Applicant has failed to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-2, 17-18 and 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bloomquist (US Patent 6,295,133 B1).

Regarding claims 1, 17 and 24: Bloomquist discloses providing a database that comprises an image associated with a spot color pattern name (figure 11(236) and column 13, lines 48-60 of Bloomquist); receiving a print job (column 14, lines 4-15 of Bloomquist) comprising the spot color pattern name (column 13, lines 56-63 of Bloomquist); adding page description language (PDL) code to the print job (column 13, lines 56-63 of Bloomquist) for painting the image as a PDL pattern in the print

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job (column 7, lines 51-59 and column 14, lines 4-10 of Bloomquist); executing the PDL code in the print job (column 14, lines 16-24 of Bloomquist); extracting the image from the database (column 14, lines 18-29 of Bloomquist); and painting the image as a PDL pattern in the print job (column 7, lines 51-59; column 8, lines 5-11; and column 14, lines 26-29 of Bloomquist).

Bloomquist does not disclose expressly that said PDL pattern is specifically a Postscript® pattern. However, Bloomquist teaches in the Background Information that a Postscript® format is a typical format for a Page Description Language (column 1, lines 63-66 of Bloomquist). Further, Bloomquist is analogous art since Bloomquist is in the same field of endeavor as the present application, namely processing, modifying, and printing PDL and raster image data. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to use a Postscript® pattern as the specific type of PDL pattern when actually practicing the system taught by Bloomquist. The suggestion for doing so would have been that Postscript® is a well-known, typical and easily accessible for of Page Description Language (column 1, lines 63-66 of Bloomquist). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system taught by Bloomquist to specifically use a Postscript® pattern to paint the image, and thus obtain the invention as specified in claims 1, 17 and 24.

Further regarding claims 17 and 24: The process of claim 1 is performed using software (column 7, lines 40-51 of Bloomquist). Therefore, the physically embodied computer program of claim 24 is taught by Bloomquist. Further, the

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modules of the apparatus of claim 17 are each portions of the physically embodied software, along with the CPU and the appropriate portions of the computer memory, which perform the corresponding functions of each module.

Regarding claims 2, 18 and 25: Bloomquist discloses that the image is definable by a user (figure 14D and column 15, lines 61-64 of Bloomquist).

7. Claims 3, 8-9, 12-14, 19, 26, 31-32 and 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bloomquist (US Patent 6,295,133 B1) in view of Gass (US Patent 5,822,503).

Regarding claims 8 and 31: Bloomquist discloses providing a Raster Image Processor (RIP) (figure 11(234,240) and column 7, lines 31-35 of Bloomquist) comprising a database (figure 11(236) and column 13, lines 48-60 of Bloomquist) that includes a first image associated with a first spot color pattern name (column 13, lines 60-65 of Bloomquist), the first image adapted to be painted in a print job as a PDL pattern (column 7, lines 51-59 and column 14, lines 4-10 of Bloomquist); receiving a request from an application program for access to the first image (column 13, lines 37-47 of Bloomquist); and sending the requested first image from the RIP to the application program (column 13, lines 37-47 of Bloomquist).

Bloomquist does not disclose expressly that said PDL pattern is specifically a Postscript® pattern. However, Bloomquist teaches in the Background Information that a Postscript® format is a typical format for a Page Description Language (column 1, lines 63-66 of Bloomquist). Further, Bloomquist is analogous art since Bloomquist is in the same field of endeavor as the present application, namely processing,

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modifying, and printing PDL and raster image data. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to use a Postscript® pattern as the specific type of PDL pattern when actually practicing the system taught by Bloomquist. The suggestion for doing so would have been that Postscript® is a well-known, typical and easily accessible for of Page Description Language (column 1, lines 63-66 of Bloomquist). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system taught by Bloomquist to specifically use a Postscript® pattern to paint the first image in a print job.

Bloomquist does not disclose expressly that the first image is adapted to simulate specialized print media.

Gass discloses that an image (figure 4(86a-86d,88a-88c) and column 6, lines 9-19 of Gass) is adapted to simulate specialized print media (column 6, lines 19-31 of Gass). Color patterns (figure 4(86a-86d,88a-88c) and column 6, lines 9-19 of Gass) are available for the user to simulate any kind of color pattern (column 6, lines 19-31 of Gass). Thus, with the system of Gass, the user is able to adapt an image which simulates specialized print media.

Bloomquist and Gass are combinable because they are from the same field of endeavor, namely processing and manipulation of color in digital page description language files. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to provide modifications for an image such that specialized print media, along with any other time of special color pattern, can be simulated, as taught by Gass. The motivation for doing so would have been to allow a user to be able to both define specific desired colors and patterns (column

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6, lines 9-19 of Gass) and, with the knowledge of the minimum amount of separations required, print with as few separations as needed, thus reducing the overall printing cost (column 6, lines 25-31 of Gass). Therefore, it would have been obvious to combine Gass with Bloomquist to obtain the invention as specified in claims 8 and 31.

Further regarding claim 31: The process of claim 8 is performed using software (column 7, lines 40-51 of Bloomquist). Therefore, the physically embodied computer program of claim 31 is taught by Bloomquist.

Regarding claims 3, 13, 19, 26 and 36: Bloomquist discloses providing a user interface on the RIP that allows a user to create, modify and/or delete the image (figure 14D and column 15, lines 61-64 of Bloomquist).

Bloomquist does not disclose expressly that said user interface allows a user to create, modify, and/or delete the associated spot color pattern names in the database.

Gass discloses providing a user interface (figure 4 of Gass) that allows a user to create, modify, and/or delete the spot color pattern names in the database (column 6, lines 45-50 of Gass).

Bloomquist and Gass are combinable because they are from the same field of endeavor, namely processing and manipulation of color in digital page description language files. At the time of the invention, it would have been obvious to a person of ordinary skill in the art provide in said user interface means by which a user may create, modify, and/or delete the spot color pattern names in the database, as taught by Gass. The motivation for doing so would have been to allow a user to be able to both define specific desired colors and patterns (column

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6, lines 9-19 of Gass) and, with the knowledge of the minimum amount of separations required, print with as few separations as needed, thus reducing the overall printing cost (column 6, lines 25-31 of Gass). Therefore, it would have been obvious to combine Gass with Bloomquist to obtain the invention as specified in claims 3, 13, 19, 26 and 36.

Regarding claims 9 and 32: Bloomquist discloses storing the received first image for further references by a user (column 13, lines 37-47 of Bloomquist).

Regarding claims 12 and 35: Bloomquist discloses that the first image is definable by a user (figure 14D and column 15, lines 61-64).

Regarding claims 14 and 37: Bloomquist discloses receiving a user's print job at the RIP (column 14, lines 4-15 of Bloomquist), the print job comprising the first spot color pattern name (column 13, lines 56-63 of Bloomquist); adding page description language (PDL) code to the print job (column 13, lines 56-63 of Bloomquist) for painting the first image as a PDL pattern in the print job (column 7, lines 51-59 and column 14, lines 4-10 of Bloomquist); executing the PDL code in the print job (column 14, lines 16-24 of Bloomquist); extracting the first image from the database (column 14, lines 18-29 of Bloomquist); and painting the first image as a PDL pattern in the print job (column 7, lines 51-59; column 8, lines 5-11; and column 14, lines 26-29 of Bloomquist).

As discussed above in the arguments regarding claims 8 and 31, from which claims 14 and 37 respectively depend, the PDL pattern used in painting the first image is specifically a Postscript® pattern.

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8. Claims 7, 23 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bloomquist (US Patent 6,295,133 B1) in view of Hains (US Patent 6,262,811 B1).

Regarding claims 7, 23 and 30: Bloomquist discloses adding additional PDL code (column 13, lines 55-63 of Bloomquist) to the print job to perform other tasks (column 14, lines 4-10 of Bloomquist).

Bloomquist does not disclose expressly that said other tasks include mirroring or four-way mirroring to prevent stitches from appearing in the printed output.

Hains discloses mirroring (column 3, lines 35-39 of Hains or four-way mirror of halftone dot patterns (figure 8 and column 3, lines 39-46 of Hains). Using mirroring or four-way mirroring of halftone dot patterns naturally prevent printing artifacts such as stitching.

Bloomquist is analogous art since it is from the same field of endeavor as the present application, namely processing and manipulation of color in digital page description language files. Bloomquist and Hains are combinable because they are from similar problem solving areas, namely how to best represent halftone patterns in printing to achieve more pleasing and accurate image representations. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use mirroring or four-way mirroring, as taught by Hains, for the image processing taught by Bloomquist. Since the digital image data processing taught by Bloomquist is performed by injecting page description language code, then the mirroring or four-way mirroring process performed by Hains would be performed by adding additional page description language code. Therefore, it would have been obvious to combine Hains with

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Bloomquist to obtain the invention as specified in claims 7, 23 and 30.

9. Claims 16 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bloomquist (US Patent 6,295,133 B1) in view of Gass (US Patent 5,822,503) and Hains (US Patent 6,262,811 B1).

Regarding claims 16 and 39: Bloomquist discloses adding additional PDL code (column 13, lines 55-63 of Bloomquist) to the print job to perform other tasks (column 14, lines 4-10 of Bloomquist).

Bloomquist in view of Gass does not disclose expressly that said other tasks include mirroring or four-way mirroring to prevent stitches from appearing in the printed output.

Hains discloses mirroring (column 3, lines 35-39 of Hains or four-way mirror of halftone dot patterns (figure 8 and column 3, lines 39-46 of Hains). Using mirroring or four-way mirroring of halftone dot patterns naturally prevent printing artifacts such as stitching.

Bloomquist in view of Gass is combinable with Hains because they are from similar problem solving areas, namely how to best represent halftone patterns in printing to achieve more pleasing and accurate image representations. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use mirroring or four-way mirroring, as taught by Hains, for the image processing taught by Bloomquist in view of Gass. Since the digital image data processing taught by Bloomquist in view of Gass is performed by injecting page description language code, then the mirroring or four-way mirroring process performed by Hains would be performed by

adding additional page description language code. Therefore, it would have been obvious to combine Hains with Bloomquist in view of Gass to obtain the invention as specified in claims 16 and 39.

10. Claims 10-11 and 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bloomquist (US Patent 6,295,133 B1) in view of Gass (US Patent 5,822,503) and Ng (US Patent 6,131,096).

Regarding claims 10 and 33: Bloomquist discloses receiving a request from the application program for a second image associated with a second spot color pattern name (column 13, lines 60-65 and column 14, lines 57-58 of Bloomquist), the second image adapted to be painted in the print job as a PDL pattern (column 7, lines 51-59 and column 14, lines 4-10 of Bloomquist). The modification process is repeated for a plurality of color separations (column 14, lines 57-58 of Bloomquist). A second color separation can be considered a second grayscale image for a particular color (such as cyan, magenta or yellow in a CMY color printing space). Thus, a second spot color pattern name is associated with a second image; and a request is received from the application program for said second image associated with said second spot color pattern name (column 13, lines 60-65 of Bloomquist).

Bloomquist further discloses searching the database for the second spot color pattern name (figure 13E and column 15, lines 50-57 of Bloomquist).

As discussed above in the arguments regarding claims 8 and 31, from which claims 10 and 33 respectively depend, the PDL

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pattern used in painting the first image is specifically a Postscript® pattern.

Bloomquist does not disclose expressly that the second image is adapted to simulate specialized print media; and sending an image and an associated spot color pattern name from the application program to the RIP for storage in the database as the second image and the second spot color pattern name if the second spot color pattern name is not found in the database.

Gass discloses that an image (figure 4(86a-86d,88a-88c) and column 6, lines 9-19 of Gass) is adapted to simulate specialized print media (column 6, lines 19-31 of Gass). Color patterns (figure 4(86a-86d,88a-88c) and column 6, lines 9-19 of Gass) are available for the user to simulate any kind of color pattern (column 6, lines 19-31 of Gass). Thus, with the system of Gass, the user is able to adapt an image which simulates specialized print media.

Bloomquist and Gass are combinable because they are from the same field of endeavor, namely processing and manipulation of color in digital page description language files. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to provide modifications for an image, specifically the second image taught by Bloomquist, such that specialized print media, along with any other time of special color pattern, can be simulated, as taught by Gass. The motivation for doing so would have been to allow a user to be able to both define specific desired colors and patterns (column 6, lines 9-19 of Gass) and, with the knowledge of the minimum amount of separations required, print with as few separations as needed, thus reducing the overall printing cost (column 6, lines

25-31 of Gass). Therefore, it would have been obvious to combine Gass with Bloomquist.

Bloomquist in view of Gass does not disclose expressly sending an image and an associated spot color pattern name from the application program to the RIP for storage in the database as the second image and the second spot color pattern name if the second spot color pattern name is not found in the database.

Ng discloses querying a client processor to see if the client processor has particular data content in its database (figure 6(610,615) and column 8, lines 45-53 of Ng), and sending the particular data content to the client processor if the client processor does not have the particular data content in its database (figure 6(620,625) and column 8, lines 57-64 of Ng).

Bloomquist in view of Gass is combinable with Ng because they are from similar problem solving areas, namely how to manage digital content databases. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use the database updating process taught by Ng in the system taught by Bloomquist in view of Gass. The client processor of Ng would then be the RIP taught by Bloomquist in view of Gass and the particular data content of Ng would be the second image and the associated second spot color pattern name taught by Bloomquist in view of Gass. The suggestion for doing so would have been that, if the second image and the associated second spot color pattern name are needed but not in the database, then clearly said second image and said associated second spot color pattern name must be obtained somehow in order to the image data processing to be successful. One common technique of obtaining data for a database is to download said

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data as necessary. Therefore, it would have been obvious to combine Ng with Bloomquist in view of Gass to obtain the invention as specified in claims 10 and 33.

Regarding claims 11 and 34: Bloomquist in view of Gass does not disclose expressly downloading any required spot color pattern names and associated images from the application program to the RIP when a print job is sent to the RIP to be printed.

Ng discloses downloading any required data from an application program to the client processor (figure 6(620,625) and column 8, lines 57-64 of Ng) when databases are to be synchronized (figure 6(610,615) and column 8, lines 42-49 of Ng).

Bloomquist in view of Gass is combinable with Ng because they are from similar problem solving areas, namely how to manage digital content databases. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use the database updating process taught by Ng in the system taught by Bloomquist in view of Gass. The client processor of Ng would then be the RIP taught by Bloomquist in view of Gass and the required data of Ng would be the spot color pattern names and associated images not yet in the database, as taught by Bloomquist in view of Gass. The synchronization of databases taught by Ng would logically occur in the system of Bloomquist in view of Gass when a job is sent to the RIP to be printed. It is at the time of printing that all the required spot color pattern names and associated images are needed in the database. The suggestion for doing so would have been that, if a spot color pattern and its associated image is needed but not in the database, then clearly said spot color pattern and said associated image must be obtained somehow in order for the image

data processing to be successful. One common technique of obtaining data for a database is to download said data as necessary. Therefore, it would have been obvious to combine Ng with Bloomquist in view of Gass to obtain the invention as specified in claims 11 and 34.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Thompson whose telephone number is 571-272-7441. The examiner can normally be reached on 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



13 May 2006

James A. Thompson
Examiner
Technology Division 2625



**DAVID MOORE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600**